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Montblanc-Simplo GmbH and  
Montblanc North America, LLC

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MONTBLANC-SIMPLO GMBH and  
MONTBLANC NORTH AMERICA, LLC,

Plaintiffs,

v.

BOBLEY-HARMANN CORPORATION d/b/a  
MONTEFIORE FINE WRITING INSTRUMENTS,  
MONTEFIOREGIFTS.COM and GIFTVALUES.COM  
and JOHN DOES 1-10,

Defendants.  
-----X

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Boblely-Harmann Corp.

USDC SDNY  
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CIVIL ACTION

No. 07-CIV-6956 (RJH) (AJP)

**JOINT REPORT AND PROPOSED DISCOVERY SCHEDULE**

In accordance with Rule 26(f), Federal Rules of Civil Procedure and the "Initial Scheduling Conference Notice and Order" the parties hereby report as follows and propose the following schedule:

**1. Description of the Case**

**a. Identify the attorneys of record for each party; including lead trial attorney;**

Attorneys for the Plaintiffs

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**b. State the basis for federal jurisdiction;**

Federal question, 28 U.S.C. §§ 1331 and 1338.

**c. Briefly describe the claims asserted in the complaint and any counterclaims;**

Infringement of trade dress in a pen design in violation of Lanham Act and common law.

**d. State the major legal and factual issues in the case; and**

Validity and infringement of trade dress; remedies.

**e. Describe the relief sought.**

Damages, profits and permanent injunction.

**2. Proposed Case Management Plan**

**a. Identify all pending motions;**

None.

**b. Propose a cutoff date for joinder of additional parties;**

February 28, 2008.

**c. Propose a cutoff date for amendments to pleadings;**

February 28, 2008.

**d. Propose a schedule for completion of discovery, including:**

**i. A date for Rule 26 (a)(1) disclosures, if not previously completed;**

December 15, 2007.

- ii. **A fact discovery completion date;**

May 1, 2008.

- iii. **A date for Rule 26 (a)(1) disclosures; and**

May 1, 2008.

- iv. **An expert discovery completion date, including dates for delivery of expense reports;**

June 15, 2008.

- e. **Propose a date for filing dispositive motions;**

June 30, 2008.

- f. **Propose a date for filing a final pretrial order; and**

August 4, 2008.

- g. **Propose a trial schedule, indicating:**

- i. **Whether a jury trial is requested;**

Yes.

- ii. **The probable length of trial; and**

Five (5) days.

- iii. **When the case will be ready for trial.**

August 4, 2008.

- 3. **Consent to Proceed Before a Magistrate Judge – Indicate whether the parties consent unanimously to proceed before a Magistrate Judge.**

Not all parties so consent.

- 4. **Status of Settlement Discussions**

- a. **Indicate whether any settlement discussions have occurred;**

No.

- b. **Describe the status of any settlement discussions; and**

Plaintiffs need discovery before settlement discussions can be effectuated.

c. Whether parties request a settlement conference.

Plaintiffs' position is that a settlement conference will only be productive after the first round of discovery is completed.

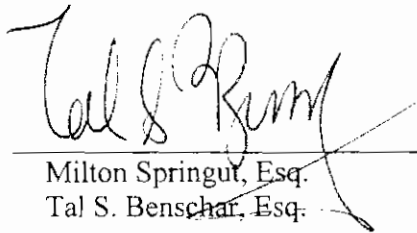
5. A pre-trial conference  
shall be held on  
May 2, 2008 at  
10:30 a.m.  
✓

Dated: November 8, 2007

Respectfully submitted,

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Counsel for Plaintiffs  
Montblanc-Simplo GmbH and  
Montblanc North America, LLC

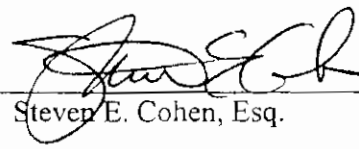
By:

  
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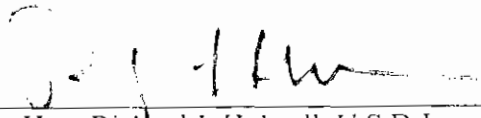
By:

  
Steven E. Cohen, Esq.

IT IS SO ORDERED:

Dated: 11/13, 2007

By:

  
Hon. Richard J. Holwell, U.S.D.J.